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January 24, 2025

VIA EMAIL (LOUIS.WHITSETT@USDOJ.GOV)

Louis Whitsett
Senior Trial Attorney
U.S Department of Justice | Civil Rights Division (ELS)
950 Pennsylvania Avenue, NW
Washington DC 20530

**RE: United States of America v. Mississippi State Senate
Civil Action No. 3:24-CV-712-HTW-ASH**

Dear Mr. Whitsett:

We write in response to your January 24, 2025, email to Bethany Johnson claiming there is no stay at this time in the *US DOJ (Metcalf) v. Mississippi State Senate* litigation. That directly conflicts with a directive of the Department of Justice's leadership, working at the behest of the President of the United States. The Civil Rights Division has no authority to disregard the Chief Executive.

President Trump's Department of Justice Chief of Staff Chad Mizelle¹ ordered the "civil rights division to pause any ongoing litigation left over from the administration of former President Joe Biden . . . The memo freezes any activity in the division."² Meaning, active cases cannot move forward.³

¹ Lucas Finton and Brooke Muckerman, *How will Trump's DOJ putting civil rights litigation on hold affect Memphis' cases?*, COMMERCIAL APPEAL, (Jan. 24, 2025, 2:50 PM), <https://www.commercialappeal.com/story/news/local/2025/01/23/trump-doj-pausing-civil-rights-cases-memphis/77902500007/>.

² Sarah N. Lynch, *US Justice Department freezes its civil rights litigation*, REUTERS, (Jan. 24, 2025, 2:50 PM), <https://www.reuters.com/world/us/us-justice-dept-asks-civil-rights-division-halt-biden-era-litigation-washington-2025-01-22/>.

³ Finton, *supra* n. 1.

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This “practically ceases the division until President Donald Trump’s nomination to lead the department, Harmeet Dhillon, is confirmed by the Senate.”⁴

And, even if this order did not apply to ongoing cases, which multiple media reports make clear it does, the Civil Rights Division has been stripped of its ability to file papers, including briefs, with the Court “until further notice.”⁵ Assuming the Senate files a Motion to Dismiss, you have no authority to file a response brief.

President Trump’s administration has made it clear: this case must be stayed. We request you agree to a stay until Assistant Attorney General for Civil Rights Designate Dhillon is confirmed and has an opportunity to review this case. Just as she intends to review any settlements or consent decrees entered within the last ninety (90) days.⁶

We also request a copy of the memorandums. The memorandums have been released to multiple media outlets, waiving any privilege that may have applied. (“according to an internal memo reviewed by Reuters”⁷; “the memo, obtained by the Post”⁸; “the memos, reviewed by The Hill and issued by Trump officials”⁹)

Please notify us by 12:00 PM CST on Monday, January 27, 2025, if you are agreeable to a stay. If you do not agree, the Senate intends to file a Motion to Stay with the Court.

Sincerely,



Armin J. Moeller, Jr.

⁴ Greg Wehner and David Spunt, *Department of Justice freezes all civil rights division cases: report*, FOX NEWS (Jan. 24, 2025, 2:51 PM) <https://www.foxnews.com/politics/department-justice-puts-freeze-all-civil-rights-division-cases-report>.

⁵ Bart Jansen, *Justice Department temporarily freezes civil-rights litigation, policy overhauls: reports*, USA TODAY (Jan. 24, 2025, 2:43 PM), <https://www.usatoday.com/story/news/politics/2025/01/23/justice-department-freezes-civil-rights-litigation/77901491007/>.

⁶ Rebecca Beitsch, *Trump DOJ leaders freeze civil rights litigation, policy reform agreements*, THE HILL (Jan. 24, 2025, 2:46 PM), <https://thehill.com/homenews/administration/5102473-biden-administration-freezes-police-reform/>; Jansen, *supra* n.5.

⁷ Finton, *supra* n.1.

⁸ Antonio Pequeño, IV, *Justice Department Orders Civil Rights Division to Temporarily Pause All Cases, Report Says*, FORBES (Jan. 24, 2025, 2:41 PM), <https://www.forbes.com/sites/antoniopequenoiv/2025/01/22/justice-department-orders-civil-rights-division-to-temporarily-pause-all-cases-report-says/>.

⁹ Beitsch, *supra* n.6.

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cc: Lindsay Dowdle (Lindsay.Dowdle@ago.ms.gov)
Doug Miracle (Doug.Miracle@ago.ms.gov)